

ORDINANCE NO. 2004- __

(Construction and Demolition Debris Recovery)

The Board of Supervisors of the County of Contra Costa ordains as follows (omitting the parenthetical footnotes from the Official text of the enacted or amended provisions of the County Ordinance Code):

SECTION I. SUMMARY: This ordinance adds Chapter 418-14 to the County Ordinance Code to regulate the management of construction and demolition debris. This ordinance requires owners of all construction or demolition projects that are 5,000 square feet in size or greater to demonstrate that at least 50% of the construction and demolition debris generated on the jobsite are reused, recycled or otherwise diverted (unless a diversion adjustment is granted).

SECTION II. Chapter 418-14 is added to the County Ordinance Code to read:

Chapter 418-14

Construction and Demolition Debris Recovery

418-14.002 Purpose. The purpose of this ordinance is to reduce the quantity of construction and demolition debris disposed in landfills as required by State law. (Ord. 2004-__ § 2.)

418-14.004 Definitions. For the purposes of this chapter, the following definitions shall apply:

- (a) "Applicant" means any person designated by an owner to submit an application for a building or demolition permit to the County Building Official for a covered project.
- (b) "Construction and demolition debris" means all materials removed or left over from a covered project.
- (c) "Conversion factor" means the value set forth in the standardized volume-to-weight conversion table approved by the Director pursuant to this chapter for use when materials cannot be weighed as required by Section 418-14.014.
- (d) "Debris recovery plan" means a Department or Director-approved debris recovery plan form, completed by the owner. The debris recovery plan shall identify types of construction and demolition debris to be generated from the

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covered project, how each material will be managed, and the name of each facility or service provider the owner will use to manage each material.

(e) "Debris recovery report" means a Department or Director-approved debris recovery report form, completed by the owner. The debris recovery report shall identify the amount of each material generated from the covered project, how each material was managed, and the name of each facility or service provider used to manage materials.

(f) "Department" means the Community Development Department.

(g) "Director" means the Community Development Director or his or her designee.

(h) "Divert" means to use material for any purpose other than disposal in a landfill, including, but not limited to, reuse, salvage and recycling.

(i) "Diversion requirement" means at least 50% by weight of the total construction and demolition debris generated by a covered project is diverted, unless the owner has been granted a diversion requirement adjustment pursuant to Section 418-14.012, resulting in an alternative diversion requirement.

(j) "Facilities" means recycling and salvage/reuse establishments, transfer stations and landfills.

(k) "Recycling" means the material will be processed and made into new products or materials.

(l) "Renovation" means any change, addition or modification to an existing residential or commercial structure.

(m) "Reuse" means the material will be used again in its original form.

(n) "Service provider" means a company that provides recycling, reuse, collection or disposal services.

(Ord. 2004-__ § 2)

418-14.006 Covered projects. (a) "Covered project" means a construction, renovation or demolition project for which a building permit or a demolition permit is required, covering 5,000 square feet or more. For the purposes of determining whether a project meets the foregoing threshold, all phases of a project and all related projects

taking place on a single or adjoining parcel(s), as determined by the Director, shall be deemed a single project.

(b) Exempt projects. The following projects are exempt from the requirements of this chapter:

(1) Re-roofing projects; and

(2) Demolition projects undertaken because the County or other public agency has determined that the demolition is necessary to abate a public nuisance or otherwise protect public health or safety.

(Ord. 2004-__ § 2.)

418-14.008 Debris recovery plan requirements. An owner shall submit to the Community Development Department (either in-person or via Certified Mail), a debris recovery plan prior to the issuance of the building or demolition permit. The debris recovery plan must include the following information:

(a) A description of the management methods planned to be used for all types of construction and demolition debris (e.g. reuse, recycling or disposal).

(b) The name of all service providers and/or facilities to be used for debris management.

(c) An acknowledgment that the owner understands the requirements of this Chapter, including the requirement for demonstrating achievement of the diversion requirement.

(Ord. 2004-__ § 2.)

418-14.010 Review of a debris recovery plan. (a) Approval. A debris recovery plan shall be reviewed by the Department and approved if it provides all of the information required by Section 418-14.008. An approved debris recovery plan shall be marked "Approved" and returned to the owner.

(b) Denial. A debris recovery plan shall not be approved if it does not provide all of the information required by Section 418-14.008. If a debris recovery plan is not approved, the owner shall be notified in writing that the plan has been denied, including the reasons for denial. The owner shall make the required changes to the debris recovery plan and resubmit it to the Department for approval in a timely manner.

(Ord. 2004-__ § 2.)

418-14.012 Diversion requirement adjustment. (a) Application. If an owner of a covered project experiences circumstances that makes it infeasible to comply with the

diversion requirement, the owner may apply for an adjustment. The owner shall indicate in writing, why it is infeasible to divert 50% of the materials being generated from the covered project and specify what percentage of diversion could be achieved. Increased costs to the owner generally will not be a sufficient basis for an adjustment.

(b) Review. The Director shall review the information supplied by the owner. If warranted, the Director shall attempt to contact the owner to discuss possible ways of meeting the diversion requirement.

(c) Granting of adjustment. If the Department determines that it is infeasible for the owner to divert 50% of the generated construction and demolition debris from the covered project, the percent of diversion required shall be adjusted. The owner shall be notified in writing of the adjusted diversion requirement. The owner shall be required to divert the percent required by the adjustment.

(d) Denial of adjustment. If the Department determines that it is feasible for the owner to meet the diversion requirement, the owner shall be notified in writing of the denial of the diversion requirement adjustment. The owner shall be required to meet the diversion requirement.
(Ord. 2004-__ § 2.)

418-14.014 Debris recovery report requirements. (a) Documentation. Upon completion of the construction, renovation and demolition activities, but before the final inspection, the owner shall submit (in-person or by Certified Mail) to the Community Development Department, the documentation required to demonstrate having met the diversion requirement. The required documentation shall include the following:

- (1) A completed debris recovery report, signed by the owner, indicating the quantity of each material diverted or disposed, consistent with the requirements of subdivision (b);
- (2) Receipts from all facilities or service providers utilized to divert and dispose materials; and
- (3) Any additional information that the owner believes is relevant to determining compliance with this chapter.

(b) Weighing of debris. The owner shall make reasonable efforts to ensure that all construction and demolition debris diverted or disposed are measured and recorded using the most accurate method of measurement available. To the extent practicable, all construction and demolition debris shall be weighed using scales. Such scales shall be in compliance with all regulatory requirements for accuracy and maintenance. For construction and demolition debris for which weighing is not practical due to small size

or other considerations, a volumetric measurement shall be used. The owner shall convert volumetric measurements to weight using the standardized conversion factors approved by the Director for this purpose.

(Ord. 2004-__ § 2.)

418-14.016 Compliance with the diversion requirement. The Director shall review the information submitted pursuant to Section 418-14.014 and determine whether the owner has fully complied, made a good faith effort, or failed to comply with the diversion requirement. The Director's determination regarding compliance will be provided to the owner in writing.

(a) "Full compliance" means the owner fully complied with the requirements of this chapter.

(b) "Good faith effort compliance" means the owner did not fully comply with the requirements of this chapter but has made a good faith effort to comply. In making this determination, the Director shall consider the availability of markets for the specific construction and demolition materials disposed, the documented efforts of the owner to comply with this chapter and other relevant factors.

(c) "Failed to comply" means the owner did not fully comply with the requirements of this chapter and did not make a good faith effort to comply. An owner's failure to comply is punishable pursuant to Division 14.

(Ord. 2004-__ § 2.)

418-14.018 Appeal to Director. An owner may appeal any determination under this Chapter to the Director within ten days of the decision or determination. The appeal shall be in writing and shall state the facts and basis for the appeal. A decision of the Director shall be final subject only to appeal to the Board of Supervisors pursuant to the provisions of Chapter 14-2.

(Ord. 2004-__ § 2.)

SECTION III. EFFECTIVE DATE. This ordinance becomes effective 30 days after passage, and within 15 days after passage shall be published once with the names of supervisors voting for and against it in the Contra Costa Times, a newspaper published in this County.

PASSED on _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: JOHN SWEETEN, Clerk of
the Board and County Administrator

By: Deputy

[SEAL]

Board Chair

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